

House Bill 823

By: Representative Smith of the 113th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 44-7-2 of the Official Code of Georgia Annotated, relating to parol contracts creating a landlord and tenant relationship, certain provisions prohibited, and the effect of a provision for attorney's fees in a landlord and tenant agreement, so as to clarify that certain provisions relating to promissory notes or notes of obligation shall not apply to lease agreements; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 44-7-2 of the Official Code of Georgia Annotated, relating to parol contracts creating a landlord and tenant relationship, certain provisions prohibited, and the effect of a provision for attorney's fees in a landlord and tenant agreement, is amended by revising subsection (c) as follows:

"(c) A provision for the payment by the tenant of the attorney's fees of the landlord upon the breach of a rental agreement by the tenant, which provision is contained in a contract, lease, license agreement, or similar agreement, oral or written, for the use or rental of real property as a dwelling place shall be void unless the provision also provides for the payment by the landlord of the attorney's fees of the tenant upon the breach of the rental agreement by the landlord. The provisions of Code Section 13-1-11, relating to the enforcement of obligations to pay attorney's fees, shall not apply to a contract creating a landlord and tenant relationship."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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SECTION 3.

25 All laws and parts of laws in conflict with this Act are repealed.